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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/605,094

09/08/2003

Li-Ting Chen

ALIP0031USA

2093

27765

7590

05/30/2006

NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION  
P.O. BOX 506  
MERRIFIELD, VA 22116

EXAMINER

GUPTA, PARUL H

ART UNIT

PAPER NUMBER

2627

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/605,094	CHEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Parul Gupta	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 5/8/06.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. An amendment filed on 5/8/06 has been considered with the following results.

***Response to Arguments***

2. Applicant's arguments filed on 5/8/06 with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 -10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chu, US Patent 6,459,665.

Regarding claim 1, Chu teaches in figure 3B a compensator circuit for compensating an error signal generated by an optical storage device, the compensator circuit comprising: a phase-lead compensator (30') for receiving the error signal and generating a phase-lead error signal; a band-pass filter (34') connected in parallel with the lead compensator for magnifying a rotating frequency error signal and generating a filtered signal (column 4, lines 64-67); and an adder (shown between 32' and 34') for adding the phase-lead error signal and the filtered signal so as to lower a steady state error of the error signal.

The compensator circuit of Chu also includes a phase-lag compensator, which is not needed in the compensator circuit as recited in the claims. However, deleting a prior

art phase-lag compensator and thereby eliminating its function was an obvious expedient (See *In re Kuhle*, 526 F .2d 553, 188 USPQ 7 (CCPA 1975)).

Regarding claim 2, Chu teaches the compensator circuit of claim 1, wherein the phase-lead compensator is a differentiator (column 4, lines 23-27).

Regarding claim 3, Chu teaches the compensator circuit of claim 1 is installed inside an optical storage device (column 4, lines 9-12).

Regarding claim 4, Chu teaches the compensator circuit of claim 3, wherein the optical storage device is a DVD-ROM drive (column 4, lines 9-12).

Regarding claim 5, Chu teaches the compensator circuit of claim 3, wherein the optical storage device is a CD-ROM drive (column 4, lines 9-12).

Regarding claim 6, Chu teaches the compensator circuit of claim 3, wherein the optical storage device is a CD-RW drive. Column 4, lines 9-12 describe the different devices that are included. CD-RWs serve the same purpose as CD-ROMs in regards to phase compensation. Thus, it is inherent to include them as a device that can be used in the invention.

Regarding claim 7, Chu teaches the compensator circuit of claim 3, wherein the optical storage device is a DVD-RW drive. Column 4, lines 9-12 describe the different devices that are included. DVD-RWs serve the same purpose as DVD-ROMs in regards to phase compensation. Thus, it is inherent to include them as a device that can be used in the invention.

Regarding claim 8, Chu teaches the compensator circuit of claim 3, wherein the optical storage device further comprises a pickuphead (column 1, lines 32-35).

Regarding claim 9, Chu teaches the method of implementing the compensator circuit as recited in claim 1. See the rejection for claim 1.

Regarding claim 10, Chu teaches the method of claim 9, wherein the phase-lead compensator is a differentiator (column 4, lines 23-27).

### ***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent 4,817,069.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Parul Gupta whose telephone number is 571-272-5260. The examiner can normally be reached on Monday through Thursday, from 8:30 AM to 7 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PHG  
5/24/06



THANG V. TRAN  
PRIMARY EXAMINER